

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION**

JOSE GARCIA, MARK WILBURN, JOSE §
 LUIS VAZQUEZ, JOSE CABALLERO, §
 AMERICO FUENTES, FRANCISCO §
 MARTINEZ-VILLARREAL, JOSE MEJIA, §
 KENNETH POWELL, ROSA RAMIREZ, §
 ALEX SANTOS, DULCE SANTOS, §
 JAMES STEPHENS, AARON DUNNING, §
 ALBERT FOKS, GABRIEL STRASSER, §
 LARRY BURT, JEFFREY CASADY, §
 ALBERT DENNIS, WLODZIMIERZ §
 DEBSKI, IVAN DIAZ, RAMON DIAZ, §
 MELISSA EARLEY, RANDAL MORTON §
 HOOPER, GENERAL LEE MCKINNEY, §
 MICHAEL KEE, ED KRAPF, JORDAN §
 O'DONNELL, MARSELO RODRIGUEZ, §
 CHET PAINTER, WILLIAM SHELTON, §
 MARK WILBURN, and MICHAEL §
 WILLIN on behalf of themselves and all §
 other persons similarly situated, §
Petitioners, §
 §
 v. §
 §
 MCA FINANCIAL GROUP, LTD., §
Respondent. §

MC-18-_____ PHX-_____

ORDER GRANTING PETITIONERS' MOTION TO ENFORCE SUBPOENA

On this day, the Court considered Petitioners Jose Garcia, et al.'s Motion to Enforce Third-Party Subpoena, as well as any responses thereto, all filed in the above-captioned cause. After due consideration, the Court is of the opinion that the motion should be granted.

Accordingly, **IT IS ORDERED** that Petitioners Jose Garcia, et al.'s Motion to Enforce Third-Party Subpoena be, and hereby is, **GRANTED**.

1 **IT IS FURTHER ORDERED** that Petitioners Jose Garcia, et al.'s
2 **SUBPOENA** (attached hereto and incorporated as Exhibit A to this Order) is
3 **MODIFIED** pursuant to Federal Rule of Civil Procedure 45(d)(3)(ii) to provide for
4 the following place of compliance: Continental Court Reporters c/o Alliance
5 Reporting Solutions, 2700 North Central Avenue, Suite 350, Phoenix, AZ 85018;

6 **IT IS FURTHER ORDERED** that the **OBJECTIONS** of Respondent MCA
7 Financial Group, LTD; MidCap Financial, LLC; and MidCap Funding X Trust are
8 **OVERRULED** pursuant to Federal Rule of Civil Procedure 45(d)(2)(B)(i);

9 **IT IS FURTHER ORDERED** that Respondent MCA Financial Group, LTD
10 is **COMANDED AND COMPELLED**, pursuant to Federal Rule of Civil Procedure
11 45(d)(2)(B)(i), **TO COMPLY WITH** Petitioners' Jose Garcia, et al.'s **SUBPOENA**
12 (attached hereto and incorporated as Exhibit A to this Order) **on or before fourteen**
13 **(14) days of the date of this order.**

14 **IT IS FINALLY ORDERED** that Petitioners Jose Garcia, et al. shall receive,
15 and **RESPONDENT** MCA Financial Group, LTD **SHALL PAY**, a contingent
16 award of sanctions, pursuant to Federal Rule of Civil Procedure 45(g), in the form
17 of court costs and attorney's fees incurred by Petitioners in filing and prosecuting
18 this miscellaneous proceeding. Said sanctions are to be awarded only in the event
19 that MCA fails to timely comply with this Order.

DATED this _____ day of _____, 20____.

THE HONORABLE _____
United States District Judge